

PATENT
Docket No.: 19603/10214 (CRF D-1156C)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------|---|-------------------------------|---|-----------|
| Applicant | : | Michael O'Donnell |) | Examiner: |
| | | |) | E. Stole |
| Serial No. | : | 08/828,323 |) | |
| | | |) | Art Unit: |
| Filed | : | March 28, 1997 |) | 1652 |
| | | |) | |
| For | : | DNA POLYMERASE III HOLOENZYME |) | |
| | | |) | |

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Petitioner, Cornell Research Foundation, Inc. ("CRF"), is the owner of one hundred percent (100%) interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,668,004. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner

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terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The assignee of the entire right, title and interest of the above-identified application, hereby confirms that assignments for the subject application were recorded on July 21, 1995, at Reel 7560/Frame 0937 and on November 5, 1998, at Reel 9573/Frame 0869 in the U.S. Patent and Trademark Office.

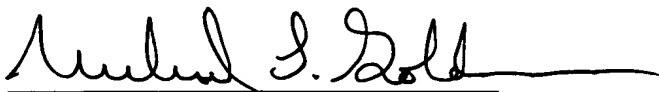
The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

For submission on behalf of CRF, the undersigned is empowered to act on behalf of CRF.

Applicant is now paying the large entity fees for this case. Enclosed is a check for \$110.00, to cover the terminal disclaimer fee under 37 CFR § 1.20(d). Please charge any additional fees or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

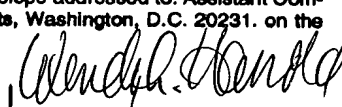
Respectfully submitted,

Date: June 8, 1999



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| Certificate of Mailing - 37 CFR 1.8 (a) | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. on the date below. | |
| 6/8/99 |  |
| Date | Wendy L. Harrold |